



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

James Monroe Building
101 North 14th Street, 17th Floor
Richmond, Virginia 23219
FAX. (804) 225-3447

C. Scott Crafton
Acting Executive Director
(804) 225-3440 1-800-243-7221
Voice/TDD

February 11, 2002

Mr. Qayyum M. Khan
Chief Stormwater Engineer
Department of Public Works and Environmental Services
Environmental and Facilities Review Division
12055 Government Center Parkway, Suite 530
Fairfax, Virginia 22035-5503

Dear Mr. Khan:

I am writing in response to your request of January 16, 2002 for a Department interpretation as to what types of structures or facilities are included under the term "appurtenant structures" as applied to sewage pump stations. Specifically, you ask whether a hydrogen peroxide feed and storage facility, odor control facility and vehicular access road would be considered as appurtenant structures to a proposed sewage pump station. The site plan that was submitted as part of this request shows that there was an effort to locate much of the pump station structures outside of the RPA.

Section 118-5-2 of the County's ordinance corresponds to § 9 VAC 10-20-150.B of the Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations). This section provides for the exemption of electric, gas and telephone transmission lines, railroads and public roads as long as they are designed and constructed in accordance with the Erosion and Sediment Control Law and with Chapter 104 of the Fairfax County code. Water lines, and storm or sanitary sewer lines are also exempted under the Regulations and Fairfax County's Bay Act ordinance provided these are located as much as possible outside of the RPA, that no more land is disturbed than necessary and that water quality is protected.

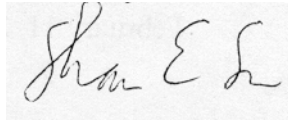
As pump stations are necessary for sewage flow, particularly through low-lying areas that are likely to be designated as Resource Protection Areas, it seems reasonable that facilities deemed necessary for the proper function of these pump stations are appurtenant structures to the pump stations. The site plan shows that an effort was made to minimize the encroachment, and that appropriate erosion and sediment controls are to be installed. Therefore, the Department is of the opinion that the hydrogen peroxide feed and storage

Mr. Qayyum M. Khan
February 11, 2002
Page 2

facility, odor control facility and vehicular access road are appurtenant structures to the proposed pump station and, as such, are included in the exemption under § 9 VAC 10-20-150.B of the Regulations.

I hope this clarifies this issue for the County. Should you need further clarification or if I can be of further assistance, please call me at 1-800-243-7229.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn E. Smith", on a light-colored rectangular background.

Shawn E. Smith

C: Martha Little, Chief of Environmental Planning
John Freidman